

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 13, 2001

DIVISION ONE

B122811 People (Not for Publication)

V.
Journigan

The judgment is affirmed. The trial court is directed to correct the abstract of judgment by recording the \$5,000 restitution fine it imposed at defendant's April 30, 1998 sentencing hearing and to forward a copy of the corrected abstract to the Department of Corrections.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B137151 People (Not for Publication)

v.
Ramos et al.

The judgments are affirmed.

Spencer, P.J.

I concur: Vogel (Miriam A.), J.
I concur and dissent: Mallano, J.

March 13, 2001-Continued

DIVISION TWO

B145034 Jennell T. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is dismissed.

Nott, Acting P.J.

We concur: Cooper, J.
 Todd, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

Each of the following:

B142757 People v. Hill
B143204 People v. Castro
B141474/B146347 People v. Preston/In Re Preston on Habeas Corpus
B139152 People v. Dawson
B137784 People v. Jones
B139106 People v. Maceo
B140877 People v. Solis
B140836 People v. Jones
B142278 People v. Hall
B145109 People v. Larry
B143585 People v. Penuliar
B142271 People v. Phillips
B143946 People v. Mena
B142912 People v. Smith
B142113 People v. Ward
B143223 People v. Ross
B144796 People v. Barragan

Argument waived, cause submitted.

DIVISION THREE (Continued)

B099635 Lucas
v.
Spielman et al.

Merits:
Argued by Lisa L. Loveridge for appellant and by Ira Katz for respondent
Cause submitted.

B137381 Nishanian
v.
Newson

Merits:
Argued by Isaac H. Braddock for appellants and by R. Stephen Duke for
respondent. Cause submitted.

B132612 Doherty
v.
Jackson

Merits:
Argued by Walter W. Moore for appellant and by Zia F. Modabber for
respondent. Cause submitted.

B141908 Bowne of Los Angeles, Inc.
v.
Cuidao Holding Corporation

Merits:
Argued by Gail B. Price for respondent. No appearance made by the
appellant. Cause submitted.

B137620 Ames
v.
Brenner et al.

Merits:
Argued by Lionel P. Hernholm for appellant and by Richard M. Hoefflin
for respondents. Cause submitted.

DIVISION THREE (Continued)

B137132 First Commercial Mortgage Company
 v.
 Reece et al.

Merits:
Argued by Jan T. Chilton for appellant and by Neil Gunny for respondents.
Cause submitted.

B142065 Vollmer
 v.
 County of Los Angeles

Merits:
Argued by Craig S. Elkin for appellant and by Jennifer A.D. Lehman for
respondent. Cause submitted.

Court recessed at 12:02 P.M.

Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Fidler, J. (Assigned) and
Valorie Gray, Deputy Clerk.

B140737 Newman
 v.
 County of Los Angeles

Merits:
Argued by Ray Newman, appellant in propria persona, and by Henry P.
Nelson for respondent. Cause submitted.

B143429 Grimsley
 v.
 Ananyan et al.

Merits:
Argued by Sidney Lanier for appellants and by Michael P. Rubin for
respondents. Cause submitted.

DIVISION THREE (Continued)

B140073 Byrnes
 v.
 Children's Home Society of California

Merits:
Argued by Thomas F. Borchert for appellant and by Fred R. Puglisi for respondent. Cause submitted.

B141388 Otto
 v.
 Los Angeles Unified School District et al.

Merits:
Argued by Michael A. Morguess for appellant and by Belinda Stith for respondents. Cause submitted.

B142586 People
 v.
 Rodriguez

Merits:
Argued by Athena Shudde for appellant and by Sharlene A. Honnaka, deputy attorney general, for respondent. Cause submitted.

B131377 Stiffler
 v.
 Ogden Ground Services, Inc., et al.

Merits:
Argued by D. Gregory Valenza for appellants and by Paul A. Greenberg for respondent. Cause submitted.

Court adjourned at 5:12 P.M.

B144050 People
 v.
 Matthew Curtis Simpson aka Michael Powell

Filed order denying petition for rehearing.

DIVISION FOUR

B141155 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Lewin, J. (Assigned)

B145164 Berdonna W. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B130608	People v. McClain, Hontiveros & Smith	(Not for Publication)
B140611	In re Dewayne Smith on Habeas Corpus	

The judgments against Smith and Hontiveros are affirmed. As to McClain, the abstract of judgment is ordered to be corrected to reflect a \$2000 parole revocation fine pursuant to Penal Code section 1202.45 in addition to the \$2000 restitution fine imposed pursuant to Penal Code section 1202.4, subdivision (b), and as modified, the judgment is affirmed. The petition for habeas corpus is denied.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

B142359 People (Not for Publication)
v.
Kurt Bowman

The appeal is dismissed as moot.

Grignon, J.

We concur: Turner, P.J.
Willhite, J. (Assigned)

DIVISION SIX

B137299 Pompilio (Not for Publication)
v.
Pompilio

The judgment is reversed and remanded with instructions to credit wife an additional \$18,965 for income/capital gains taxes arising out of the sale of her separate property stock. As modified, the judgment should reflect that husband owes wife \$209,203 for wife's separate property interest in the stock (\$215,827 less \$6,624 in travel expenses). As modified, the judgment is affirmed. Wife is awarded costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B144295 People (Not for Publication)
v.
Murillo

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SIX (Continued)

[illegible]

Filed order modifying opinion. (No change in judgment.)

DIVISION SEVEN

B141693 Marguerite Vita (Not for Publication)
v.
Southern California Permanente Medical Group

The judgment is reversed and remanded to the trial court with directions to (1) vacate its prior order granting summary adjudication and to enter a new order denying Medical Group's motion for summary adjudication as to the first through fifth causes of action, inclusive, and (2) vacate its order granting Medical group's motion in limine No. 2, and to enter a new order denying the motion. Appellant(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B138935 Yola Lanzlinger (Not for Publication)
v.
Macy's West, Inc.

The judgment is reversed and on remand the trial court is directed to deny the motion for summary judgment. Appellant is entitled to cost on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B128905 Arturo D. Vega (Not for Publication)
 v.
 David Cordier

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B137125 Craig J. Schneider (Not for Publication)
 v.
 Lester J. Friedman et al.

That portion of the judgment awarding damages is reversed, and the cause is remanded for a new trial limited to damages. In all other respects the judgment is affirmed. Appellant to recover cost on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. Assigned)

B130635 Daniel Heck (Not for Publication)
 v.
 Southern Pacific Transportation Company
 Paco Steel & Engineering Corporation

The judgment is reversed. Appellant(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B136913 Joseph M. Zacher, Sr., et al. (Not for Publication)
 v.
 Victor Valleau

The judgment after jury trial is affirmed; the judgment for appeal costs is reversed. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B130585 Kathleen Shepherd (Not for Publication)
 v.
 Rudge Shepherd
 District Attorney of Los Angeles County

The orders are affirmed. Respondents are to recover their costs on appeal.

Boland, J. (Assigned)

We concur: Lillie, P.J.
 Johnson, J.

B137325 Mark Cohen and Laurie Cohen (Not for Publication)
 v.
 Cal Coast Plumbing

The judgment is reversed and the case remanded for further proceedings. The Cohens are to recover their costs on appeal.

Boland, J. (Assigned)

We concur: Lillie, P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B135879 Coalition Advocating Legal (Not for Publication)
 Housing Options et al.
 v.
 City of Santa Monica

The judgment is reversed and the case remanded to the trial court with directions to enter a new and different judgment declaring unconstitutional and enjoining enforcement of the occupancy limitations contained in section 9.04.13.040, subd. (a), of the Santa Monica Municipal Code. Appellants shall recover their costs on appeal.

Boland, J. (Assigned)

We concur: Lillie, P.J.
 Woods, J.

B133171 Gilbert and Gernsbacher
 v.
 Master Washer & Stamping Co., Inc.

Filed order modifying opinion. (No change in the judgment)